

ELIGIBILITY & REASONABLE COSTS

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Introduction



Eligibility & Reasonable Costs



Disaster Debris Management

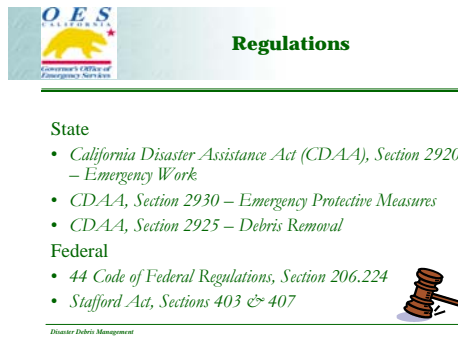
Large debris generating events often result in a State and/or Presidential declaration of a major disaster wherein OES/FEMA may provide supplemental assistance for eligible debris related activities to those communities declared in the disaster.

It is prudent for communities to be familiar with state and federal eligibility and reasonable costs guidelines during the planning stage in order appropriately plan for critical issues such as contracting, monitoring and preparing appropriate documentation to support requests for funding.

Although there is not a requirement for communities to consider state and federal guidelines in the Debris Management Plans, a lack of knowledge of state and federal requirements has led communities to loss of opportunities for funding.

- Therefore, this section provides a discussion of:
 - o The resources and tools available for assessing debris-related eligibility issues;
 - o Eligibility issues for various debris activities;
 - o Distinctions between private and public property; and
 - o Activities where participants assess eligibility and reasonable cost issues and incorporate issues into debris planning.
- This section is intended to provide a general introduction to eligibility issues. It is not intended to cover all circumstances that may be encountered in the field. The tools and resources covered in this unit will assist the community in locating applicable laws and regulations relative to situations that may arise.

Regulations



State

The California Disaster Assistance Act (CDAA) governs the eligibility rules for disaster debris removal within the state.

- **CDAA, Section 2920 - Emergency Work**

- o Emergency work to save lives, protect public health and safety, and to protect property in an area proclaimed to be in a state of emergency.

- **CDAA, Section 2930 - Emergency Protective Measures**

- o Actions taken to remove and/or reduce immediate threats to public property, or to private property when in the public interest.

- **CDAA, Section 2925 – Debris Removal**

- a) General Eligibility;

- (1) Debris removal from publicly and privately-owned lands and waters, undertaken in response to a state of emergency proclamation by the Governor is eligible for state financial assistance; and,
- (2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the director, the following requirements shall apply, unless waived in part or full by the director:
 - (A) The property owner must remove all disaster-related debris from the property to the curb or public right-of-way;
 - (B) The local agency must obtain a signed statement from the property owner to the effect that the property owner does not have insurance covering the removal of the disaster-related debris; and,
 - (C) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal.

- (b) Criteria

Debris removal shall be considered necessary when removal will:

- (1) Eliminate immediate threats to life, public health, and safety;
- (2) Eliminate immediate threats of significant damage to improved public or private property, or,
- (3) Be necessary for the permanent repair, restoration, or reconstruction of damaged public facilities.

(b) Examples of Eligible Work.

- (1) Removing debris such as pieces of destroyed buildings, structures, signs, or broken utility poles;
- (2) Removing loose or broken sidewalks and driveways; or,
- (3) Removing fallen trees.

Federal

FEMA and the Public Assistance Program are governed by the law defined in the Stafford Act and regulations provided in Title 44 of Code of Federal Regulations (44 CFR). These laws and regulations provide the criteria for determining eligibility of debris activities.


- **Stafford Act**

- o Section 403 Essential Assistance;
 - ♦ Basic eligibility for debris removal, clearance of roads, demolition and reduction of immediate threats are all included in this section.
- o Section 407 Debris Removal;
 - ♦ Debris and wreckage removal from public and private property.
- o Section 502 Federal Emergency Assistance authorizes Direct Federal Aid for debris removal activities.

- **Regulations 44CFR Part 206**

- o 206.224 Debris Removal.
- o Category A Criteria.
 - ♦ Criteria for debris removal from private property, including large lots.
- o 206.225 Emergency Work.
- o Category B Criteria.
 - ♦ Emergency Protective Measures criteria used in determining eligibility for demolition. Cost effective measures must be used.


Basic Eligibility



Basic Eligibility

Debris must be:

- The result of a declared event
- Located in the designated disaster area
- The legal responsibility of an eligible applicant



Disaster Debris Management

Public Interest is defined as work necessary to:

- Eliminate immediate threats to life, public health, and safety; or
- Eliminate immediate threats of significant damage to improved public or private property; or

(Note that the **terms *immediate threat*, *public health* and (FEMA only) *community-at-large*** are very important in assessing eligibility.)

- The debris must pose an immediate threat. Debris that would not otherwise result in harm is not eligible for removal.
- The eligibility of the activities must address public health and safety. Close attention must be paid to whether or not these conditions are met, especially when considering debris removal from private property.
- Under a federal declaration, debris can be removed when necessary to ensure economic recovery of the *community-at-large*. This is generally defined as removing debris from commercial areas to expedite economic recovery. It does not mean general debris removal from private property.

In addition to the debris removal regulations, to be eligible for assistance, activities must satisfy the general work eligibility regulations.

An item of work must:

- Be required as the result of the major disaster event,
- Be located within a designated disaster area, and
- Be the legal responsibility of an eligible applicant.

Applicant Eligibility



Eligible Applicants

- State agencies
- Local agencies
- Special Districts
- Certain Private-non-Profits (PNPs)



Disaster Debris Management

State

CDAA § 2900

- Eligible applicant means any local agency (city, city & county, county, county office of education, community college district, school district, or special district).

Federal

44 CFR 206

- Debris removal activities are eligible for both public and Private Nonprofit (PNP) applicants.
-

Public & PNPs - Roads



Eligible Facilities

- Buildings
- Utilities
- Water control facilities
- Parks & recreation areas



Disaster Debris Management



Eligible Work

- Eliminates immediate threat to lives and public health & safety
- Eliminates immediate threats of significant damage to improved public or private property
- Ensures economic recovery of the affected community to the benefit of the community at large



Disaster Debris Management

For PNP applicants, debris activities are only eligible when they are associated with eligible PNP facilities.

- **For example:** removal of debris from a PNP recreational facility would not be eligible because PNP recreational facilities are not otherwise eligible PNP facilities
- Removal of debris from non-eligible facilities may only be eligible if the work meets the debris removal eligibility criteria (44 CFR 206.224(a)), and is performed by an eligible State, Tribal or local governmental entity.

Debris removal activities by individuals and private organizations (non-PNPs) removing debris from their own property are not eligible. Additionally, eligible applicants cannot be reimbursed for payments they may make to individuals or private organizations for such work. (44 CFR 206.224(c))

Roads

In large debris generating disasters, much of the debris that requires clearance and possible removal in the early stages of the event is that deposited on roadways, thus requiring removal for emergency access.

In general, debris on public property that must be removed to allow safe operation of governmental functions or to alleviate an immediate threat is eligible.

Public Roads

- Generally, debris blocking streets and highways is considered a threat to public health and safety because it blocks passage of emergency vehicles or it blocks access to emergency facilities such as hospitals.
- Debris may be removed from travel lanes, shoulders, roadside ditches and drainage features, and maintained rights-of-way.

Federal-Aid Systems Roads

- Federal-Aid System Roads are under the authority of the Federal Highway Administration (FHWA). Therefore, FEMA may not provide assistance for activities that would otherwise be eligible by FHWA (Stafford Act Section 312, Duplication of Benefits).
- The FHWA has responsibility for permanent restoration of these roads, and provides some assistance for emergency actions, including debris removal, through their Emergency Relief (ER) program:
 - o The ER Program can be authorized if damages to Federal-Aid System roads exceeds \$500,000;
 - o A maximum of \$100M per State per disaster is available;
 - o Requires a minimum \$5000 per site; and
 - o Emergency work, including debris removal, can begin immediately after the event and does not require pre-approval from FHWA.
- The availability of the ER program must be considered before funding debris removal activities.
 - o Debris removal from Federal-Aid System Roads is eligible except when the FHWA Emergency Relief (ER) program is activated and the work is eligible for ER funding.
 - o The ER program may only grant debris-related assistance for sections of roadway damaged by the disaster. FEMA may fund debris removal from undamaged roadway sections, if it otherwise meets FEMA's eligibility criteria.
 - o If the ER program is not activated, FEMA may fund debris removal and emergency activities that meet its criteria.
- The FHWA ER Manual is available through the internet: www.fhwa.dot.gov - U.S. Department of Transportation, Federal Highway Administration, Emergency Relief Manual, Federal-Aid Highways, September 1998.

Water Control Facilities

- Water control facilities naturally collect debris and sediment on a regular basis, requiring maintenance of the facilities to maintain their function.
- Therefore, when evaluating debris removal eligibility from such facilities, it is necessary for the applicant to provide documentation to demonstrate the portion of the existing debris that was generated by the disaster. Evidence of a formal maintenance program and records of the program being implemented is often required.
- Although the applicant may choose to remove all debris, pre-disaster and disaster-related, only the disaster-related debris quantities are eligible, and generally, only that portion that is necessary to remove the threat.

Levees

- Debris removal from permanent levees is eligible for public health and safety, even from levees under authority of the USACE and NRCS.
- Where temporary levees have been constructed as an emergency protective measure, removal of them is eligible only to protect public health and safety or to protect improved public or private property. This may be necessary to open roads.

Dams and Reservoirs

- Removal of debris from dams may be eligible – for example, if debris is blocking a spillway or intake structures.
- Removal of disaster-related debris from reservoirs may be eligible if evidence is provided that the reservoirs were regularly cleaned prior to the disaster and the pre-disaster level can be established.

Debris Basins, Drainage/Irrigation Channels

- Removal of silt, mud and other debris from lined and unlined basins and engineered channels may be eligible if the pre-disaster level of debris can be determined. Such facilities must have a regular schedule of debris removal.

Natural Streams

- CDAA does not fund work done in natural streams, only for man-made facilities.
- Under a federal declaration:
 - o Debris removal from natural streams normally is not eligible. Only debris that causes a threat to lives or public health and safety or damage to improved property is eligible.
 - o Eligibility is limited to only material that could cause flooding during a 5-year flood.
 - o Any work in natural streams must be closely reviewed and monitored to minimize undesirable environmental effects.
 - o This work will often require a Clean Water Act Section 404 permit from the USACE.
 - o The NRCS also has authority to clear streams of debris.
 - o Removal of debris from the banks is generally not eligible.

Buildings

- Removal of mud and silt, or similar disaster-related debris in and on buildings is eligible.
- If furnishings from public buildings are damaged to the point where they become debris, they are eligible for removal and disposal if brought to the curb.

- Sometimes, public facilities are damaged to the point that demolition is necessary for public health and safety.
 - State and Federal policy on demolition must be reviewed for these situations.
- Insurance, also discussed later in this unit, is a large consideration in building debris removal and demolition activities.
- Debris resulting from permanent repair activities is not eligible as Category A, but would be eligible under the permanent repair efforts.

Utilities

- Generally, debris removal from eligible utilities also will be eligible.
- Some materials may be salvageable.
- Environmental issues may be present – such as PCB filled transformers.

Parks and Recreation Areas

- The removal of debris from parks and recreational areas used by the public is eligible when it affects public health or safety or proper utilization of such facilities.
- Damage to publicly owned marinas could include abandoned sunken boats and other debris that may impede navigation.
 - Identified navigation hazards are eligible for removal.
 - Coordination must be made between the US Coast Guard, State Marine Patrol, local government agencies, legal counsel, contractors specializing in marine salvage operations, commercial divers and certified surveyors to ensure the hazards are removed safely and efficiently.
- Debris removal from wilderness or unused areas is not eligible.
- Disaster-related debris on beaches is eligible if the beaches are consistently used for public purposes and a health and safety hazard exists.
- Recreational facilities are not eligible PNP facilities. Therefore, debris would only be eligible in accordance with the eligibility criteria for private property (discussed later in this unit).

Private Property Debris Removal



- Authority
CDAA Title 19, Section 2925(2)
44 CFR 206.224(b)
- Eligible only if there is an immediate threat
- Applicants & property owners are aware of responsibilities
- Has been approved by State and/or FEMA



Reimbursement for removal of debris from private property can only be performed under specific circumstances and only with prior state and/or federal approval.

State Regulations for Private Property Debris Removal

- Under state regulations, debris removal from private property is reimbursable only when there is an immediate threat to life, public health and safety.
 - Title 19, Section 2925 (2) (A-C)) does allow for the removal of debris under the following:
 - (2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the director, the following requirements shall apply, unless waived in part or full by the director:
 - (A) The property owner must remove all disaster-related debris from the property to the curb or public right-of-way;
 - (B) The local agency must obtain a signed statement from the property owner to the effect that the property owner does not have insurance covering the removal of the disaster-related debris; and,
 - (C) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal.

Federal Regulations for Private Property Debris Removal

- (Stafford Act Sections 403 and 407 and 44 CFR 206.224(b)) provide the authority to fund eligible applicants to remove debris from private property. This work may only be eligible when:
 - The disaster caused very severe and widespread damage.
 - The removal is necessary to eliminate an immediate threat to life, public health and safety or to improve public or private property, or to ensure the economic recovery of the affected community to the benefit of the community-at-large.
 - An eligible applicant, such as a municipal or county government, performs the work.
 - The private property owner has provided all insurance information.

- o It is pre-approved by the Director and/or Federal Disaster Recovery Manager (DRM).
 - o Required legal documents are in place:
 - ♦ Insurance documents;
 - ♦ Hold Harmless Agreement; and
 - ♦ Right-of-Entry Agreement.
 - In federally declared events, applicants and property owners must be aware that only FEMA makes eligibility determinations regarding removal of debris from private property. Not all actions that may be taken by the local governments are eligible for FEMA assistance.
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Demonstrating a Threat



- An applicant must demonstrate that removal of debris on private property is required to reduce a threat.
- A *resolution* after a disaster by an applicant that debris on private property constitutes a threat to public health and safety does not in itself make the debris removal eligible.
 - o The applicant should submit for review and approval specific legal requirements for declaring the existence of the threat.
 - ♦ A damaged structure may be a public health and safety hazard if it could be condemned as such, pursuant to the provisions of an applicant's ordinance related to condemnation of damaged structures. A qualified individual, such as a certified building inspector, must make this determination.
 - ♦ A public health hazard may exist if such a determination is made pursuant to the provision of an applicant's ordinance related to public health. An individual qualified to do so, such as a public health official, must make such a determination.
 - The determination of work being required to ensure economic recovery must be carefully reviewed.
 - o Use of this criterion is normally restricted to the removal of disaster-related debris from large commercial areas to expedite restoration of the economic viability of the affected community.

Ineligible Debris



Only disaster-related debris that requires removal to reduce or eliminate an immediate threat is eligible. The following is not eligible for reimbursement:

- Privately owned vehicles, whether or not insured.
- Old white goods located on private property awaiting proper disposal.
- Old tires, batteries, or any equipment/material located on private property awaiting proper disposal.
- Damaged swimming pools, basements and foundations. If it is determined that a public safety hazard exists, FEMA may reimburse the cost of filling these structures.
- Reconstruction debris, sometimes called construction rubble, resulting from reconstruction activities. Removal should be a part of the renovation contract and is to be removed by the contractor.
- Debris that does not pose a threat is not eligible for removal. For example, miscellaneous debris, such as minor vegetation and rubble, is not eligible. Raking of private property to ensure glass and nails are removed is not eligible.
- If an eligible applicant damages private property as a result of eligible debris removal activities, repairs to the property are not eligible unless the damage results in a health or safety risk. Similarly, if private property is damaged by a Federal agency engaged in disaster response activities, the Federal government is not liable for repairs to that property.

Eligibility Issues



Mobile Homes

- During many disasters, especially a hurricane or tornado, there may be a large number of mobile homes totally demolished.
- The eligibility for mobile home removal should be evaluated as for any other residential structure - removal may be eligible if a threat can be demonstrated – but there are some unique aspects to the units themselves.
 - o Before demolition begins, the applicant should make arrangements to be sure remaining personal items, furniture, etc. that may remain in the units are removed.
 - o Check the units for asbestos and lead paint, and any other household hazardous waste.
 - o Units may need to be crushed or taken apart – few landfills will accept the units intact.
 - o Caltrans and DOT may have regulations relating to hauling demolished mobile homes on State/federal highways.
 - o Consider salvage of the metal components.

Trees, Limbs and Stumps

- Hazardous trees, limbs and stumps on public property within or adjacent to improved or publicly used space, and on private property that meet criteria of posing a threat, may be eligible for removal. Examples include:
 - o Trees alongside public roadways.
 - o Trees within a naturalized area of public parks or golf courses.
 - o Trees within private property posing a threat to health and public safety or to damage to residences.
- Hazardous trees that are unstable and leaning into the areas used by the public are eligible for removal. Normally, trees requiring removal are flush cut to the ground.
- A tree with more than 50% of the tree crown destroyed or damaged, a split trunk, or broken branches that expose the heartwood, or a tree that has been felled or uprooted is eligible for removal, especially if it is in a location approximate to or within public-use areas.
 - o If an applicant chooses to save a tree that has any conditions described above that justify its removal, the expense is the applicant's.

- Hazardous limbs are also eligible for removal. Hazardous limbs considered to pose a threat are those that are still hanging in the tree and are threatening a public-use area, such as a trail, sidewalk, road or golf cart path, or other improved and maintained property.
- Removal of fallen trees in a forested or wilderness area is not normally eligible.
- Removal of cut trees from subdivisions under development or off the right-of-way in rural areas is typically not eligible, as this condition generally does not pose an immediate threat.
- Reimbursement for stump removal is extremely limited.
 - o Normally, reimbursement is limited to removing stumps that have been uprooted, and are located in an area where they would be a safety hazard. If a tree has been broken, instead of uprooted, the “stump hazard” is removed by cutting the tree at ground level.

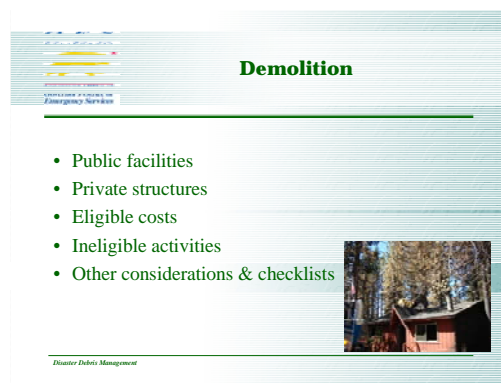
Note: Angora Fire – 8,552 tons of trees were salvaged for lumber.

Animal Removal

- Disposal of farm and companion animals present unique challenges.
- Local emergency managers need to be involved if extensive numbers of dead animals are found.
- Because of potential health issues, disposal of dead animals needs to be addressed quickly.
- Disposal methods, burning or burying, needs to be coordinated with appropriate environmental agencies.
- A specialty contractor may be needed to appropriately pick-up, haul and dispose of the animals.

Note: California Integrated Waste Management Board has lists of renders for various areas on their website (www.ciwmb.ca.gov).

Demolition



State Regulations

Under Title 19, § 2930(4), the director under the following standards approves demolition of a damaged public facility or privately owned building:

- (A) The local agency must clearly possess the legal authority and responsibility to demolish the damaged facility. The local agency must also show that such demolition does not constitute a “taking” which would require the payment of compensation to the property owner;
- (B) The local agency requesting approval of building demolition of privately owned-buildings must be able to demonstrate that the property owner has no other source of funding to pay for structure demolition;
- (C) The local agency must have inspected each building and determined it to be a health or safety hazard. The local agency must have a certification to this effect signed by the appropriate agency official;
- (D) The local agency must have a signed statement from the property owner to the effect that the property owner does not have insurance covering the damage or the demolition of the building;
- (E) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to demolition and removal;
- (F) The local agency must also comply with any other applicable state or federal health and safety regulation, law, or general requirements; and,
- (G) Eligibility is limited to the cost of demolishing designated buildings to the top of the foundation, removal and hauling debris to the waste-site, and back filling of basements to a safe condition.

Federal Regulations

Under Sections 403 and 407 of the Stafford Act allows for the demolition of unsafe public or private structures that pose an immediate threat to life, property, or public health and safety.

- The following is a summary of the key items of the FEMA Policy: Demolition of Private and Public Facilities (FEMA 9523.4) November 9, 1999, included in the Policies Section, and other references.
 - o Public and PNP Eligible Facilities.
 - ♦ Section 403 requires that the structures must be damaged by the disaster.
 - ♦ The structures must be determined to be unsafe and pose an immediate danger to the public. This determination must be made by local officials and verified by State and Federal officials.
 - ♦ Work must be completed within Emergency Work deadlines (44 CFR 206.204 – 6 months plus extensions).
 - ♦ Additionally, Section 407 allows for demolition in the public interest, ensuring economic recovery, but this only applies when the first two criteria above are met to the satisfaction of the Regional Director, and the structures have been uninhabited since the major disaster. The timeline for emergency work completion does not govern this authority.
 - o Private Structures.
 - ♦ The structures must meet the first three criteria defined above for Public and PNP Facilities.
 - ♦ Liability and legal permission requirements must be met.
 - ♦ Slabs or foundations, broken or intact, generally do not present a health or safety hazard to the general public. Slabs removed primarily for reconstruction are not eligible.

- ♦ Individuals and private organizations (non PNPs) will not be reimbursed for their efforts on their own property.
- o For health and safety reasons, the following demolition costs are eligible:
 - ♦ Capping wells.
 - ♦ Pumping and capping septic tanks.
 - ♦ Filling in basements and swimming pools.
- o Not eligible activities include:
 - ♦ Concrete slabs removed for reconstruction purposes, even when brought to the curbside.
 - ♦ Removal or covering of pads and driveways.
 - ♦ Structures condemned as safety hazards before the disaster.
 - ♦ Habitable, but not yet damaged, structures even when they are in serious danger of total destruction (for example, on a failing slope).
- o Section 404 Hazard Mitigation.
 - ♦ When part of the Section 404 Hazard Mitigation buyout and relocation project, the removal of substantially damaged structures including slabs, driveways, fencing, garages, sheds and similar appurtenances are eligible.
- o Insurance must be considered.
- All work must be reviewed in accordance with environmental, historic and other Federal laws.

Other Considerations

- Demolition of a structure is not always the most cost-effective health and safety alternative. For “attractive nuisances” where structural integrity has not been compromised, cleaning and securing the facility may not be the best alternative.

Curbside Pickup

The slide features a title 'Debris Curbside Pickup' in green. Below it is a bulleted list of five requirements: 'Be disaster-related', 'Be separated from garbage', 'Be kept in distinct piles', 'Monitor pickup activities', and 'Keep public informed'. To the right of the list is a photograph showing a pile of debris, including what appears to be a car, next to a green metal structure. The slide has a light blue background with a subtle pattern.

- Be disaster-related
- Be separated from garbage
- Be kept in distinct piles
- Monitor pickup activities
- Keep public informed

Disaster-related debris from private property must be brought to the curbside and collected by an eligible applicant.

- Construction and demolition materials from repairs and reconstruction should not be placed at curbside.
 - Items such as grass-clippings, household garbage, automobile parts, are not eligible.
 - Residents should not mix normal garbage with disaster debris. Normal garbage pickup schedules should resume as soon as possible.
 - Segregation of the types of debris will make the process go smoother and faster.
 - o Applicants may be asked to separate their debris into the following categories;
 - ♦ Woody debris and yard waste;
 - ♦ Household waste (damaged personal goods);
 - ♦ Household Hazardous Waste (HHW); and
 - ♦ Construction and Demolition (C&D) waste (removed by the homeowner, not as a result of reconstruction).
 - The State, FEMA and/or the applicant should monitor the pickup activities to ensure that eligible materials are being collected and unnecessary mixing of debris does not occur.
 - o The local agencies should work with their State and Federal counterparts to establish deadlines for debris pickup. The residents should be informed as soon as possible of the criteria for pickup, schedule and deadlines.
 - Debris can be removed directly off private property under special circumstances. These instances must be documented.
-

Hazardous/Toxic Waste



Hazardous/Toxic Waste

- Responsibility of the Department of Toxic Substances Control (DTSC) & US Environmental Protection Agency (EPA)
- Eligible activities
 - Household Hazardous Waste
 - Technical assistance
- Ineligible activities
 - Long-term cleanup

Disaster Debris Management



Major hazardous and toxic waste components are generally the responsibility of the Department of Toxic Substances Control and the Environmental Protection Agency.

State

The Department of Toxic Substances Control regulates the following within the State:

- Regulate asbestos. (This could also fall under the Air Resources Board's jurisdiction, or OSHA's depending on whether the asbestos is being disposed of or ground up.)

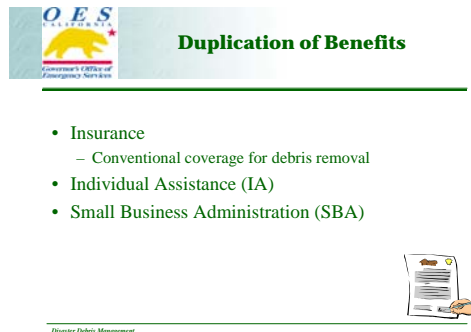
- Regulate lead (primarily lead based paint on wood and metal) and household hazardous waste.
- Regulate cleanup on hazardous materials.

Federal

FEMA regulates the following:

- The PAO will coordinate with OES and FEMA Headquarters at the beginning of a disaster to determine if there have been any agreements with the EPA on addressing HAZMAT for the specific disaster.
 - o For example, FEMA HQ may determine if retrieving and disposing of orphan drums and barrels will be funded by FEMA or through the EPA.
 - FEMA generally will fund the removal and disposal of Household Hazardous Waste.
 - FEMA may provide technical assistance to States on disposal methods.
 - Activities related to long-term cleanup are generally not eligible for FEMA funding.
 - State/Tribal/local costs for long-term clean-up measures.
-


Insurance



OES
CALIFORNIA
Governor's Office of
Emergency Services

Duplication of Benefits

- Insurance
 - Conventional coverage for debris removal
- Individual Assistance (IA)
- Small Business Administration (SBA)



Disaster Debris Management

In many instances, debris removal for both public and private activities is covered by conventional insurance.

- Check policies to determine coverage.
 - Homeowner's insurance policies often cover structures, fences, and playground equipment.
 - o Usually does not cover vegetative debris.
 - o Homeowners should consider using insurance funds to pay for the removal of debris that is not eligible for reimbursement. This can include:
 - ♦ Concrete slabs
 - ♦ Foundations
 - ♦ Sidewalks
 - The responsibility for collecting the insurance coverage, whether it is for public or private activities, rests with the applicant.
-

- The right-of-entry and release from liability document should include a requirement for the homeowner to forward insurance proceeds to the applicant.

Note: Angora Fire – as of January 2008, over \$2 million dollars has been recovered under the El Dorado County's Insurance Recovery Plan.

Reasonable Costs



Reasonable Costs

State - Title 19, § 2900(cc)

- All project costs eligible under section 8680 et seq., of the Government Code, and shared costs of all projects deemed eligible for federal public assistance, after offsetting applicable credits

FEMA – 44 CFR § 206.228

- A cost that is both fair & equitable for the type of work being performed

Disaster Debris Management



The definition of cost eligibility is that a cost must be reasonable and necessary to be eligible.

State - Title 19, §2900(cc)

- All project costs eligible under section 8680 et seq., of the Government Code, and shared costs of all projects deemed eligible for federal public assistance, after offsetting applicable credits.

FEMA – 44 CFR, §206.228

- A reasonable cost is a cost that is both fair and equitable for the type of work being performed.

Communities often enter into contracts that may not meet the definition of reasonable cost.

- For example: charging \$75/CY for hauling debris is unreasonable when the going rate for similar work in adjacent locations is \$25/CY.
- The reasonable cost requirement applies to all labor, materials, equipment, and contract costs awarded for the performance of eligible work.

Eligible Costs



Local agency costs are eligible for state financial assistance provided these expenditures are directly related to an eligible disaster event.

- Expenditures included in the local agency applications for state assistance must be reasonable and in accordance with the agency's standard cost allocation procedures.
- Funding will not be provided to an agency for damages caused by negligence.

Force Account Labor

To accomplish effective debris clearance in the early stages of the disaster response, an applicant may rely on personnel from various sources to perform or manage the work. The eligibility of this labor may vary per source.

The following wage costs are eligible for state and/or federal financial assistance:

- Personnel costs incurred as a result of the disaster are eligible, however, straight or regular time salaries and benefits of permanently employed staff performing emergency work.
- Overtime granted as compensatory time off (CTO) and is based on the standard rate (i.e. regular cash rate) for overtime pay.
- Wage additive costs, including retirement contributions, vacation, sick leave and other fringe benefits costs assessed against the regular wage rate of employees engaged in disaster related work activities.
- Seasonally employed personnel, when covered under existing budgets and used for a disaster during the season of employment, are considered permanently employed personnel for the purpose of cost eligibility.
- Temporary employees hired as a direct result of the disaster are eligible for both regular time and overtime pay.
- Local Share - Matching fund assistance for cost sharing required under federal public assistance programs is an eligible cost. PA programs include supplementary federal assistance for local agencies, other than the direct benefit assistance for individuals and families.

Force Account Equipment

The State can authorize reimbursement of certain types of equipment costs:

- Actual equipment rental.

- Equipment costs for applicant-owned equipment, based upon the applicant's own rate schedules, or in the absence of an applicant's rate schedule on current Department of Transportation (CALTRANS) Labor Surcharge and Equipment Rental rates.
- Equipment rates must cover normal costs of lube, repair, overhaul, depreciation, interest, insurance, storage, and taxes. The schedule must also include fuel and oil for self-powered equipment.

FEMA will fund the least costly of the available rates.

- Cost of labor to operate equipment is an additional cost.
- Extraordinary expenses for repairs and maintenance required due to severe conditions in disaster operations may be eligible for reimbursement under FEMA Policy 9525.8, Damage to Applicant-Owned Equipment, dated August 17, 1999 provides criteria for and examples of eligible conditions.

Interagency Assistance/Mutual Aid Agreement, Volunteers

Debris activities may be performed through Mutual Aid Agreements and volunteer organizations.

- Eligible costs include only those reasonable costs invoiced or billed in accordance with reimbursement provisions contained in such interagency agreements.
- Costs for work performed under interagency assistance/mutual aid agreements between local governments or local governments and state agencies, include but are not limited to:
 - o contracts;
 - o cooperative agreements; or
 - o assistance-for-hire agreements.

Contracts

Costs of contractors used to accomplish emergency work are eligible for reimbursement.


- All work must be bid as required under applicable state or federal laws or regulations or, including 44CFR, part 13, whichever is the more restrictive.
- This topic is covered further in the Contracting Module of the State Disaster Debris Training.

Project Management and Monitoring Costs

It has been found that defining an acceptable percentage to estimate these costs is not appropriate.


- For example: There can be extensive amount of debris deposited in a relatively small area (say from a tornado) that requires minimal project management and a small number of monitors, or the same amount of debris widely scattered (hurricane event) that may require much more management and monitoring.
- Associated costs must be evaluated on a case-by-case basis – considering a reasonable amount of effort of appropriate level personnel. For example: it is unlikely that professional engineers would be necessary to monitor debris operations.

Cost Data Source



Cost Data Sources


- Historical data
- Applicant data for similar work
- Contract cost for similar work
- State & federal cost codes & equipment rates



Disaster Debris Management

- Costs for work to be performed should not be determined arbitrarily.
- There must be some basis for the reasonableness.
- Costs may be determined by reviewing:
 - o Historical data for similar work – within the locale or region, check previous disasters;
 - o Applicant data for previous similar work (either force account or contract);
 - o Contract costs for similar work being done in the area;
 - o Office of Emergency Services data; or
 - o State and federal cost codes for force account work.
- Available cost data may need to be adjusted to reflect:
 - o Time frame of the operation – costs may be higher immediately after the disaster but implementation of a bidding process for pickup and disposal should reduce costs; or
 - o Location of the operation – accessibility for debris pickup and disposal.
- Documenting costs on the Damage Survey Report or Project Worksheet.
 - o Document source and basis of cost; identify factors that result in higher costs.
 - o Check estimates against actual costs if work is underway – use actual quantities and rates when available.
 - o Verify costs and quantities through monitoring.

Cost Affecting Factors



Cost Affecting Factors

- Travel distances & conditions
- Use of temporary staging sites
- Method of volume reduction
- Costs of hauling, disposal
- Site restoration
- Environmental monitoring
- Landfill tipping fees



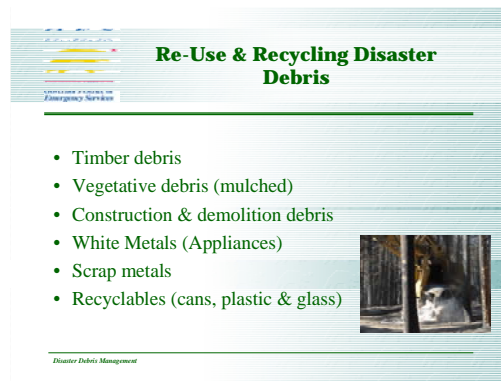
Disaster Debris Management

Each debris operation has unique aspects that affect the total cost, whether the work is performed by force account or contract.

These factors may include:

- Travel distance.
- Temporary Staging Sites.
- Volume reduction method.
- Hauling and disposal.
- Site restoration.
- Environmental monitoring.
- Security at the Debris Management Site to prevent off-hour dumping.
- Some landfills may have a daily cap on how much waste it can landfill in a day – a special waiver may be needed by the State to allow emergency debris disposal over the regulated daily cap.
- Tipping Fees.
 - o The State can indicate if there is a regulatory office that approves landfill-tipping fees.
 - o The charging of tipping fees should be consistent, and not waived for some and charged to others.
 - o Waived tipping fees are not reimbursable.

Re-Use and Recycling Markets



Debris generated by a disaster may have a market value. Any revenue generated from debris must be used to offset the project cost.

- Reasonable costs expended by the applicant to administer and market the sale of the materials may be recouped by the applicant from the proceeds.
- If a contract provides for the contractor to take possession of the material in return for lower bid prices, there is no salvage value to be recouped.

Re-Use and Recycling Markets for Disaster Debris

Debris Type	Use	Markets
Vegetative Debris	Food waste: Compost Trees, branches, leaves: Mulch, landfill cover, fuel	Farms, composting facilities, landslide companies and landfills
Inert Debris	Gravel, backfill, soil amendment, landfill cover	Cement manufacturers, soil amendment/horticultural industries, landscape companies, landfills and construction companies
Construction & Demolition	<p>Asphalt: Recycled asphalt</p> <p>Concrete: Aggregate base, sidewalk backfill, gravel road cap, decorative gravel</p> <p>Construction lumber: Re-use, fuel, bulking agents</p> <p>Construction plastics: Re-use or recycle</p> <p>Drywall: Gunitite mix, soil amendments, new drywall, re-use</p> <p>Carpet: Secondary fibers for recycled content products</p> <p>Metals: Scrap metal</p>	<p>Public works construction contractors, construction companies, asphalt recyclers, public works departments</p> <p>Construction companies, building restoration & repair contractors, cogeneration plants, waste to energy plants</p> <p>Plastics recyclers, construction companies, salvage dealers</p> <p>Drywall manufacturers</p> <p>Carpet recyclers and rag industry</p> <p>Construction companies, metals recyclers, salvage dealers, smelters and steel mills</p>
Personal Property	Repair and re-use	Resale shops, non-profit organizations
Damaged White Goods	Repair and re-use, metals salvaged	Resale shops, repair shops, second hand appliance shops, scrap metal dealers
Damaged Vehicles	Repair and re-use, salvage	Resale, metal salvage yards
Hazardous Wastes	<p>Latex paint: recycle</p> <p>Used motor oil: recycle</p>	<p>Paint manufacturers</p> <p>Motor oil manufacturers</p>
Bi-Metal Containers, Plastic & Glass Bottles, Sand Bags	Recycled	Standard Recycling Markets Cement Manufacturers

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